

State of Connecticut

HOUSE OF REPRESENTATIVES

STATE CAPITOL HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE PAMELA Z. SAWYER HOUSE REPUBLICAN WHIP FIFTY-FIFTH DISTRICT

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HIGHER EDUCATION AND EMPLOYMENT COMMITTEE

MEMBER
APPROPRIATIONS COMMITTEE
LEGISLATIVE MANAGEMENT COMMITTEE
TRANSPORTATION COMMITTEE

Testimony by Representative Pam Sawyer
Transportation Committee
February 23, 2009 10:00 Room 1E

RE: "MOVE OVER" bill proposal - in support of Proposed HB 6071

Chairmen DeFronzo and Guerrera, Ranking Members Boucher and Scribner, and members of the Transportation Committee.

I am here today in support of **Proposed House Bill 6071** AN ACT REQUIRING A "MOVE OVER" LAW IN CONNECTICUT.

According to the "Move Over America" website - More than 150 U.S. law enforcement officers have been killed since 1997 after being struck by vehicles along America's highways.."

Drivers need to be made aware of the need for their diligence. Below is a website that will give you much more information on the dangers to our law enforcement and fire/rescue personnel who put their lives in harms way each day for our safety.

http://www.moveoveramerica.com/

I hope the attached information is helpful to the Committee as it works to draft legislation this year. Thank you for your help and understanding.

Pamela Z. Sawyer State Representative 55th District

Attachment

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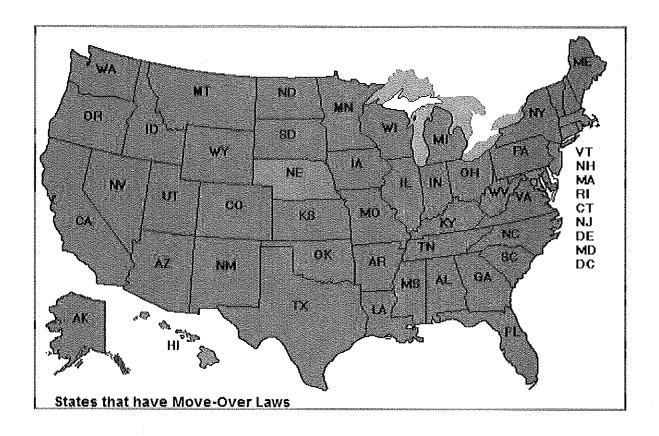
"Move Over, America" is a partnership originally founded in 2007 by the National Safety Commission, the National Sheriffs' Association and the National Association of Police Organizations. Most recently, the partnership has also received the full support of the American Association of State Troopers. The campaign is the first nationally coordinated effort to educate Americans about "Move Over" laws and how they help protect the law enforcement officers who risk their lives protecting the public.

According to a national poll by Mason Dixon Polling & Research, sponsored by the National Safety Commission:

- 71 percent of Americans have not heard of "Move Over" laws;
- 86 percent support enacting "Move Over" laws in all 50 states; and
- 90 percent believe traffic stops and roadside emergencies are dangerous for law enforcement and first responders.

The poll was conducted among 625 registered voters from June 23-25. The margin of error is plus or minus 4 percent.

Forty three states have passed "Move Over" laws, which require motorists to "Move Over" and change lanes to give safe clearance to law enforcement officers on roadsides.



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The High Price of Traffic Safety

15	5	16	13			24	16	10	15	15	151
20	006	2005	2004	2003	2002	2001	2000	1999	1998	1997	TOTAL
1000	70.94				sk by					6.6	

Source: National Law Enforcement Officers Memorial Fund http://www.nleomf.com/TheMemorial/Facts/causes.htm

Move Over Laws

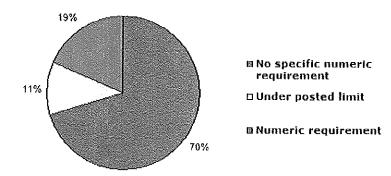
http://people.smu.edu/acambre/move_over_laws.asp

Last updated 1-4-07.

It's interesting to notice how few states' Move Over Laws have an arbitrary "x MPH under" rule. Below is a synopsis of my findings followed by the actual data.

Synopsis of Speed Requirements in Move Over Laws

27 states are represented here. (More states have Move Over Laws.)



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State	Speed Requirement in Move Over law	Grade
Florida	20 under	F
Georgia	Safe speed but under posted limit	D
Illinois	Safe speed	В
Indiana	Safe speed	В
Iowa	Safe speed but under posted limit	D
Kansas	Safe speed	В
Kentucky	Safe speed	В
Maine	Safe speed	В
Michigan	Safe speed	В
Minnesota	Safe speed	В
Missouri	Safe speed	В
Montana	Safe speed	В
Nevada	Safe speed but under posted limit	C
North Carolina	Safe speed	В
North Dakota	Safe speed	В
Ohio	Safe speed	В
Oklahoma	Safe speed	В
Pennsylvania	Safe speed	В
South Carolina	Safe speed	В
South Dakota	20 under	F
Texas	20 under	F
Utah	Safe speed	В
Vermont	No mention of speed	A
Virginia	Safe speed	В
West Virginia	15 MPH cap on undivided, 25 MPH cap on divided	F-*
Wisconsin	Safe speed	В
Wyoming	20 under	F

Grade Scale

- A: Statute does not mention speed. By doing this, the statute does not duplicate or confuse the wording of the "basic rule" which appropriately governs speed choices in all situations.
- B: Statute requires a "safe" or "reduced" speed but does not arbitrarily suggest a speed.
- C. Statute requires a "safe speed" that is under the posted limit.
- D: Statute requires a "safe speed" that is under the posted limit in a state that already has especially low speed limits.
- F: Statute requires an arbitrary, specific speed reduction under the posted limit.
- *F- is given here because West Virginia's speed requirement is insanely dangerous. 25 MPH is <u>45 MPH</u> below WV rural interstate speed limits.

State-By-State Analysis

Florida

http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&UR_L=Ch0316/SEC126.HTM&Title=->2002->Ch0316->Section%20126

Title XXIII, Section 316.126

2. Shall slow to a speed that is 20 miles per hour less than the posted speed limit when the posted speed limit is 25 miles per hour or greater; or travel at 5 miles per hour when the posted speed limit is 20 miles per hour or less, when driving on a two-lane road, except when otherwise directed by a law enforcement officer.

Georgia

http://www.legis.ga.gov/legis/GaCode/?title=40&chapter=6§ion=16

(2) If a lane change under paragraph (1) of this subsection would be impossible, prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop.

Illinois

http://www.legis.state.il.us/legislation/ilcs/ilcs4.asp?DocName=062500050HCh%2E+11+Art%2 E+IX&ActID=1815&ChapAct=625%26nbsp%3BILCS%26nbsp%3B5%2F&ChapterID=49&ChapterName=VEHICLES&SectionID=59671&SeqStart=130300&SeqEnd=132200&ActName=III inois+Vehicle+Code%2E

625 ILCS 5/11-907

(2) proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

Indiana

http://www.in.gov/legislative/ic/code/title9/ar21/ch8.html

IC 9-21-8-35

(2) proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

lowa

http://www.legis.state.ia.us/

Section 321.323A

b. If a lane change under paragraph "a" would be impossible, prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop.

Kansas

http://www.kslegislature.org/

Section 8-1530

(2) if the driver is not traveling on a highway of a type described in paragraph (1), or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle and maintain a safe speed for the road, weather and traffic conditions.

Kentucky

http://www.lrc.state.ky.us/KRS/189-00/930.PDF

Section 189.930

(b) Reduce the speed of the vehicle, maintaining a safe speed to road conditions, if changing lanes would be impossible or unsafe.

Maine

http://janus.state.me.us/legis/statutes/29-A/title29-Asec2054.html

Section 2054-9

B. If passing in a nonadjacent lane is impossible or unsafe, pass the emergency vehicle at a careful and prudent speed reasonable for passing the authorized emergency vehicle safely.

Michigan

http://www.michiganlegislature.org/mileg.asp?page=getObject&objName=mcl-257-653a&highlight=

Section 257.653a

(b) On any public roadway that does not have at least 2 adjacent lanes proceeding in the same direction as the stationary authorized emergency vehicle, or if the movement by the driver of the vehicle into an adjacent lane or 2 vehicle widths apart is not possible as described in subdivision (a), the approaching vehicle shall reduce and maintain a safe speed for weather, road conditions, and vehicular or pedestrian traffic and proceed with due care and caution, or as directed by a police officer.

Minnesota

http://www.revisor.leg.state.mn.us/stats/169/18.html and http://www.revisor.leg.state.mn.us/stats/169/14.html

Section 169.18

Subd. 11. Passing parked emergency vehicle. When approaching and before passing an authorized emergency vehicle that is parked or otherwise stopped on or next to a street or highway having two or more lanes in the same direction, the driver of a vehicle shall safely move the vehicle to a lane away from the emergency vehicle.

Section 169.14

- Subd. 3. Reduced speed required. (a) The driver of any vehicle shall, consistent with the requirements, drive at an appropriate reduced speed when approaching or passing an authorized emergency vehicle stopped with emergency lights flashing on any street or highway... [text continues about other reasons to slow down unrelated to presence of law enforcement]
- (b) A person who fails to reduce speed appropriately when approaching or passing an authorized emergency vehicle stopped with emergency lights flashing on a street or highway shall be assessed an additional surcharge equal to the amount of the fine imposed for the speed violation, but not less than \$25.

Missouri

http://www.moga.state.mo.us/statutes/c300-399/3040000022.htm

Section 304.022

"(2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible."

Montana

http://data.opi.state.mt.us/bills/mca/61/8/61-8-346.htm

Section 61-8-346

- (a) reduce the vehicle's speed, proceed with caution, and, if possible considering safety and traffic conditions, move to a lane that is not adjacent to the lane in which the authorized emergency vehicle or police vehicle is located or move as far away from the authorized emergency vehicle or police vehicle as possible; or
- (b) if changing lanes is not possible or is determined to be unsafe, reduce the vehicle's speed, proceed with caution, and maintain a reduced speed, appropriate to the road and the conditions, through the area where the authorized emergency vehicle or police vehicle is stopped.

Nevada

http://www.leg.state.nv.us/NRS/NRS-484.html#NRS484Sec364

Statute 484.364

- (a) Decrease the speed of his vehicle to a speed that is:
- (1) Reasonable and proper, pursuant to the criteria set forth in subsection 1 of NRS 484.361; and
- (2) Less than the posted speed limit, if a speed limit has been posted;

North Carolina

http://www.ncga.state.nc.us/Statutes/GeneralStatutes/HTML/BySection/Chapter_20/GS_20-157.html

Section 20-157

(2) Slow the vehicle, maintaining a safe speed for traffic conditions, and operate the vehicle at a reduced speed until completely past the authorized emergency vehicle. This paragraph applies only if the roadway has only one lane for traffic proceeding in the direction of the approaching vehicle or if the approaching vehicle may not change lanes safely and without interfering with any vehicular traffic.

North Dakota

http://www.state.nd.us/lr/cencode/T39C10.pdf

Section 39-10-26

2. If an authorized emergency vehicle is parked or stopped at the scene of an emergency and is displaying a flashing, revolving, or rotating blue, white, or red light, approaching traffic shall move to the right-hand edge or curb of the roadway and shall stop, but once having stopped, traffic may proceed past the scene at its own risk when the roadway is clear, except when otherwise directed by a police officer. If an authorized emergency vehicle is otherwise parked or stopped on a multilane highway outside the limits of a city unless the highway is part of the interstate system, and the authorized emergency vehicle is displaying a flashing, revolving, or rotating amber, blue, white, or red light, the driver of an approaching vehicle shall proceed with caution and yield the right of way by moving to a lane that is not adjacent to the authorized emergency vehicle if the move may be made with due regard to safety and traffic conditions or if not, the driver shall proceed with due caution, reduce the speed of the vehicle, and maintain a safe speed for the road conditions.

Ohio

http://onlinedocs.andersonpublishing.com/oh/lpExt.dll/PORC/33965/34b94/34dd9/34dff?f=temp lates&fn=document-frame.htm&2.0#JD 4511213JD 4511213

Section 4511.21.3

- (1) If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary public safety vehicle.
- (2) If the driver is not traveling on a highway of a type described in division (A)(1) of this section, or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather, and traffic conditions.

Oklahoma

http://www2.lsb.state.ok.us/os/os%5F47%2D11%2D314.rtf

- 1. If traveling on a highway that consists of two or more lanes that carry traffic in the same direction of travel as that of the driver, the driver shall proceed with due caution and shall, if possible and with due regard to the road, weather, and traffic conditions, change lanes into a lane that is not adjacent to the stationary authorized emergency vehicle; or if the driver is not able to change lanes or if to do so would be unsafe, the driver shall proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather, and traffic conditions; and
- 2. If traveling on a highway other than a highway described in paragraph 1 of this subsection, the driver shall proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather, and traffic conditions.

Pennsylvania

http://members.aol.com/StatutesP1/75PA3327.html

Section 3327

When approaching or passing an emergency response area, no person shall drive a vehicle...at a speed greater than is reasonable and prudent under the conditions, having regard to the actual and potential hazards then existing.

South Carolina

http://www.scstatehouse.net/code/t56c005.htm

Section 56-5-1538

- (G) A person driving a vehicle approaching a stationary authorized emergency vehicle that is giving a signal by displaying alternately flashing red, red and white, blue, or red and blue lights, or amber or yellow warning lights shall proceed with due caution, significantly reduce the speed of the vehicle, and:
- (1) yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or
- (2) maintain a safe speed for road conditions, if changing lanes is impossible or unsafe.

South Dakota

http://legis.state.sd.us/statutes/Index.cfm?FuseAction=DisplayStatute&FindType=Statute&txtStatute=32-31-6.1

Section 32-31-6.1

If driving on a two lane highway, slow to a speed that is at least twenty miles per hour less than the posted speed limit or five miles per hour when the speed limit is posted at twenty miles per hour or less and proceed with caution, unless otherwise directed.

Utah

http://www.le.state.ut.us/~code/TITLE41/htm/41_04093.htm

Section 41-6-76

- 2) The operator of a vehicle, upon approaching a stationary authorized emergency vehicle that is displaying alternately flashing red, red and white, or red and blue lights, shall:
- (a) reduce the speed of the vehicle;
- (b) provide as much space as practical to the stationary authorized emergency vehicle; and
- (c) if traveling in a lane adjacent to the stationary authorized emergency vehicle and if practical, with due regard to safety and traffic conditions, make a lane change into a lane not adjacent to the authorized emergency vehicle.

Vermont

http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=23&Chapter=013&Section=01050

Section 1050

[no specific mention of speed]

Virginia

http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+46.2-921.1

Section 46.2-921.1

The driver of any motor vehicle, upon approaching a stationary emergency vehicle, as defined in § 46.2-920, that is displaying a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022, 46.2-1023, and 46.2-1024, shall (i) on a highway having at least four lanes, at least two of which are intended for traffic proceeding as the approaching vehicle, proceed with caution and, if reasonable, with due regard for safety and traffic conditions, yield the right-of-way by making a lane change into a lane not adjacent to that occupied by the stationary emergency vehicle or (ii) if changing lanes would be unreasonable or unsafe, proceed with due caution and maintain a safe speed for highway conditions.

West Virginia

http://129.71.164.29/wvcode/17C/WVC%2017%20C-%2014%20%20-%20%20%209%20A.htm#HD0

Section 17C-14-9a

(1) Proceed with due caution, yield the right-of-way by making a lane change not adjacent to that of the authorized emergency vehicle, if possible with regard to safety and traffic conditions, if on a highway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle and reduce speed to a safe level for road conditions; or (2) Proceed with due caution, reduce the speed of the vehicle, maintaining a safe speed not to exceed fifteen miles per hour on any nondivided highway or street and twenty-five miles per

hour on any divided highway depending on road conditions, if changing lanes would be impossible or unsafe.

Wisconsin

http://folio.legis.state.wi.us/cgibin/om_isapi.dll?clientID=45955935&infobase=stats.nfo&jump=346.072&softpage=Document# JUMPDEST 346.072

Section 346.072

(b) Slow the motor vehicle, maintaining a safe speed for traffic conditions, and operate the motor vehicle at a reduced speed until completely past the vehicle or machinery. This paragraph applies only if the roadway has only one lane for traffic proceeding in the direction of the approaching motor vehicle or if the approaching motor vehicle may not change lanes safely and without interfering with any vehicular traffic.

Wyoming

http://legisweb.state.wy.us/statutes/title31/chapter05.htm

Section 31-5-224

- (i) When driving on an interstate highway or other highway with two (2) or more lanes traveling in the direction of the emergency vehicle, shall merge into the lane farthest from the emergency vehicle, except when otherwise directed by a police officer;
- (ii) When driving on a two (2) lane road, shall slow to a speed that is twenty (20) miles per hour less than the posted speed limit, except when otherwise directed by a police officer.